

July 5, 2006 DRAFT
Regional System Water Availability Proposed Rule

Insert Subsection E. into Section 3.2.1 Restricted Allocation Area of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District:

E. Everglades, as defined in Rule 40E-8.021(7) – The following restrictions on allocating water from the Everglades shall apply:

- (1) Except as defined in subsection (3), an applicant must demonstrate that the project will not cause an increase in direct or indirect withdrawals of surface or ground water from the Everglades over that resulting from the project's "existing-actual water use" within the Northern Palm Beach County Service Area or Lower East Coast Service Area 1, 2 or 3 (Exhibit 1).
- (2) For purposes of this rule, "existing actual water use" is the quantity of water withdrawn by a permitted user consistent with the permit conditions during the 12 months prior to April 1, 2006.
- (3) An exception to subsection (1) occurs when:
 - (a) The Governing Board certifies that additional water is available for consumptive use from a water resource development project; or
 - (b) A temporary increased withdrawal is authorized during which time the permittee is developing a permitted alternative water supply source. The permit will be conditioned with dates of completion of alternative sources and the temporary increase in allocation shall be reduced to be consistent with subsection (1) at the time of the projected availability of the alternative source.
 - (c) The requested increase in allocation is available from regulatory discharges from the Central and Southern Florida Project to the Lower East Coast canals to the extent the applicant demonstrates such water is not necessary for Everglades restoration under CERP or Acceler8 and is not necessary for meeting an established minimum flow or level or established water reservation.

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